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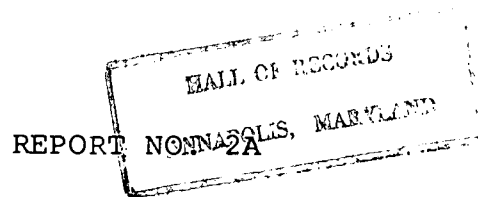
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TO: THE LEGISLATIVE COUNCIL OF MARYLAND

SUBJECT: NATURAL RESOURCES ARTICLE  
(TITLES 2 AND 3)

In Report No. 2, June 2, 1972, this Commission presented to the Legislative Council a general discussion of the Commission's activities, and an overview of the proposed Natural Resources Article. Attached to that Report were drafts of Titles 1, 5, 6, and 7 of the Article. With this Report we transmit drafts of Titles 2 and 3, approved at the Commission's June 15 meeting.

I. TITLE 2 - MARYLAND GEOLOGICAL SURVEY

Initially, this material was allocated to Title 7 "Mines and Mining", except for the statutes dealing with archeology, which were placed in former Title 9 "Miscellaneous". However, after further study, the Commission concluded that since the Survey had functions involving several areas of Natural Resources Law, it would be most appropriate to place the provisions pertaining to it in a separate title. Title 2 was selected, since much of the material is structural and organizational, and thus like a good deal



of the material in Title 1.

Title 2 contains three subtitles designated, respectively, "Definitions," "Organization and Authority of Maryland Geological Survey etc.," and "Archaeological Activities."

Almost all the changes in Title 2 are stylistic. We do call to the Council's attention that section 2-202 deletes a present provision of Article 66C, section 16(b), which gives the director of the Survey authority to examine applications for various mining certificates of competency. As a matter of fact, this function is performed by the director of the Bureau of Mines, and the Mine Examining Board, and is provided for in Title 7 "Mines and Mining".

We also note that the rule-making authority contained in section 2-307 is subject to the overall supervisory authority of the Secretary of Natural Resources, pursuant to section 1-104 (g).

Section 2-308 deals with gifts to the Survey Commission. We have attempted to simplify the language without narrowing its scope. However, the main question here is the relationship of this and other gift provisions to Article 15A, section 5, requiring the Governor to assent to the acceptance of a gift or legacy to any State agency. Article 15A, section 5 was enacted by Ch. 64, Laws of 1939, and has not been amended since. The provision apparently authorizing acceptance of gifts by the Survey Commission (Art. 66C, sec. 110L) was enacted by Ch. 541, Laws of 1968. However, we doubt that the 1968 law was intended to exempt the Survey



Commission from the requirement of the 1939 Law.

The Commission intends to draft a comprehensive "gifts" provision, for probable insertion in proposed Article 20 "General Provisions". The provision will cover generally authority of State agencies to accept gifts, the procedure for doing so, and a comprehensive definition of the word "gift." This will eliminate the need for definitions like that contained in section 2-308, but for the present, we propose the adoption of that section. The Council may wish to add language (or perhaps a note) indicating that it is subject to Article 15A, section 5.

## II. TITLE 3 - ENVIRONMENTAL PROGRAMS

This title also contains three subtitles designated, respectively, "Maryland Environmental Service," "Maryland Environmental Trust," and "Power Plant Siting and Research Program."

Section 3-203(3) containing gift provisions; please refer to the preceding discussion. The other changes in these statutes are wholly stylistic; see the Revisor's Note following each section.

## III. BALANCE OF NATURAL RESOURCES ARTICLE

The Commission will meet again on July 21, at which point it hopes to approve drafts of the remaining portions of the Natural Resources Article. If this occurs, the final installment of the Natural Resources material will be in the Council's hands by August 1.

Respectfully submitted,



William H. Adkins, II  
Director

WHA:ej  
Enclosures

